

AUG 30 83 009904

Title 260 NNRC - CONDUCT OF INFORMAL, NON-ADJUDICATORY PUBLIC HEARINGS

Chapter 1 - GENERAL PROVISIONS

001 Calling Public Hearings. The Commission may at any time on its own motion order any public hearing which the Commission is authorized, either by law or by inherent authority, to conduct and, after giving notice, conduct such hearing in the manner as hereinafter provided.

002 Notice. Notice shall be given of all public hearings held by the Commission. Except as otherwise specified by law, such notice shall be published at least once in a newspaper or newspapers of general circulation in the area or areas which are affected by the business of the hearing, and the publication shall be made at least 5 days prior to the date of the hearing. The published notice shall contain information as to the date, time, place and purpose of the hearing. When a hearing or series of hearing sessions is for a purpose of statewide interest, notice shall be sufficient if published in a newspaper of general circulation throughout the state.

003 Presiding Officer or Hearing Examiner. The Chairman of the Commission or his delegate shall serve as presiding officer over the hearing; however, the presiding officer shall, in all cases, be a member of the Commission. The presiding officer may appoint a hearing examiner for the purpose of assisting in the conduct of the hearing.

004 Powers of Officer or Examiner. The presiding officer or hearing examiner shall among other things, open the proceedings; enter into the record the notice given of the hearing; take appearance; accept and see that exhibits are properly numbered; answer questions asked or call upon other persons present to answer questions asked; and close the proceedings. The presiding officer and hearing examiner have no power, acting alone, to take any action involving a final determination from the proceedings when action by law is required of the Commission. The record in any hearing shall not be affected by any change of presiding officers or examiners during the conduct of that hearing.

005 Oath Not Required. No person shall be required to be sworn or take an oath prior to presenting any evidence, which may consist of any oral or written question, statement or testimony and any document.

006 Receipt of Evidence. Evidence at a public hearing will ordinarily be received in the following sequence: (1) Commission member and staff; (2) federal agencies; (3) other state agencies; (4) political subdivisions; (5) all other persons in the order as the presiding officer shall in his discretion choose. All persons shall be given the opportunity to be heard on matters relevant to the business and purpose of the hearing.

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007 Presentation of Evidence. All persons presenting evidence at a hearing shall first state their full name and address, and declare whether they are appearing on their own behalf or on behalf of another person or organization, in which case such person or organization represented shall be named.

008 Propriety of Evidence. All evidence presented at the hearing is to be directed at the business and purpose of such hearing. Any evidence not directed at the business and purpose of the hearing, or which is cumulative or repetitive, shall at the request of the presiding officer or hearing examiner, be terminated and excluded from the record.

009 Staff Evidence. In addition to statements and evidence presented by any other person, the Commission may, through the Commission staff or otherwise, secure and present such statements and evidence as it may consider necessary or desirable. Evidence shall include a copy of notice given for the public hearing and a statement explaining the business and purpose of the hearing.

010 Record Made. A record shall be made of the hearing proceedings with the evidence presented being a part thereof. Such record may consist of written statements and any other documentary evidence along with tape recordings of oral evidence or such transcripts as deemed necessary by the Commission.

011 Record Held Open. The record of public hearings may be held open at the discretion of the presiding officer for submission of any evidence not available or presented at the time of the hearing. At the designated time the hearing shall be closed by the presiding officer or hearing examiner after the inclusion of any evidence submitted and accepted.

ANNOTATION

Title 260..

Section 2-1506,
R.R.S. 1943